

**Scott L. Mitchell**

**From:** Scott L. Mitchell  
**Sent:** Wednesday, December 05, 2001 9:59 AM  
**To:** Douglas A. Pothul  
**Cc:** Andrew D. Friedlander; Guy V. Kidder; Tammie Sanada; Shannon K. Smith; Sandra A. Ching  
**Subject:** RE: Sports Shinko

Allred just called wanting an update. I told him our instructions and said "Ron, the only thing I can tell you is that the offers were not high enough to motivate them and that now that La Costa has closed, there may not be as much pressure to sell". He said that he won't re-submit another offer until he gets response from them, but as far as he is concerned, the offers are dead.

My guess is that Moshe will react similarly and we will need to contact him shortly.

—Original Message—

**From:** Douglas A. Pothul  
**Sent:** Tuesday, December 04, 2001 5:51 PM  
**To:** Scott L. Mitchell; Guy V. Kidder  
**Cc:** Andrew D. Friedlander; yamauchi@assetmanagers.to; Shannon K. Smith; Tammie Sanada; Sandra A. Ching  
**Subject:** Sports Shinko

Scott & Guy,

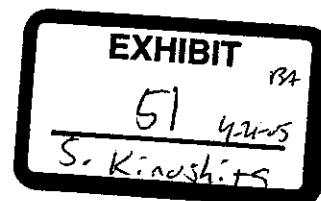
I spoke with Satoshi Kinoshita this evening.

He was instructed to "hold" the marketing on the golf courses by his father for at least a month.

Please pass this on to those buyers actively pursuing SS's golf courses.

We can discuss further tomorrow.

Doug.



008 0733

**EXHIBIT 22**

\*\*\*ATTORNEY-CLIENT PRIVILEGE\*\*\*

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1 IN THE CIRCUIT COURT OF THE FIRST CIRCUIT

2 STATE OF HAWAII

3 -----  
4 SPORTS SHINKO (USA) CO., LTD., a Delaware  
5 Corporation; SPORTS SHINKO (MILILANI)  
6 CO., LTD., a Hawaii corporation, et al.,  
7 Plaintiff,

8 vs. Case No. 02-1-2766-11 (EEH)

9 RESORT MANAGEMENT SERVICES

10 (HAWAII), INC., a Hawaii corporation,  
11 YASUO NISHIDA, SATOSHI KINOSHITA, et al.

12 Defendants.  
13 -----

14  
15 DEPOSITION OF SATOSHI KINOSHITA

16 (Volume III)

17  
18 Taken on behalf of the Plaintiff at Alston Hunt Floyd &  
19 Ing, 1001 Bishop St., ASB Tower, 18th Floor, Honolulu,  
20 Hawaii 96813, commencing at 9:00 a.m., Thursday, April  
21 21, 2005, pursuant to Notice.

22  
23 BEFORE: BARBARA ACOBA, CSR No. 412, RPR  
24 Notary Public, State of Hawaii  
25

\*\*\*ATTORNEY-CLIENT PRIVILEGE\*\*\*

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1 APPEARANCES:

2 For Plaintiff: GLENN MELCHINGER, Esq.  
3 ALSTON HUNT FLOYD & ING  
4 ASB Tower  
5 1001 Bishop St., 18th Floor  
6 Honolulu, Hawaii 96813  
7

8 For Defendant SATOSHI KINOSHITA:

9 JOHN KOMEIJI, Esq.  
10 WATANABE ING KAWASHIMA & KOMEIJI  
11 First Hawaiian Center  
12 999 Bishop St., 23rd Floor  
13 Honolulu, Hawaii 96813  
14  
15

16 Also Present: STEVEN SILVER - Interpreter  
17  
18  
19  
20  
21  
22  
23  
24  
25

1 Q. Okay. And did you send this to somebody  
2 afterwards when you got it?

3 MR. KOMEIJI: Same objection regarding  
4 relevancy and not reasonably calculated to lead to  
5 discovery of admissible evidence.

6 THE WITNESS: I sent this to the president  
7 through Mr. Fukuda as well.

8 BY MR. MELCHINGER:

9 Q. Did you receive a response or an instruction or  
10 something from the president after you sent this?

11 A. No. I was initially told to just leave it as  
12 is.

13 MR. MELCHINGER: Mark that Exhibit 51, please.

14 (Exhibit 51 marked for identification.)

15 BY MR. MELCHINGER:

16 Q. This is an e-mail that came out of, and I'll  
17 make this representation, the McCorriston files produced  
18 pursuant to subpoena in the bankruptcy court and I'd  
19 like you to look below on the bottom half of this and it  
20 refers to a telephone conference between you,  
21 Dr. Kinoshita, and Mr. Pothul. And I want to ask, after  
22 you've had a chance to review this document, whether you  
23 recall having that conversation.

24 A. Yes.

25 Q. Did you tell Mr. Pothul, based on instructions

1 from your father, to hold on marketing the golf courses;  
2 is that right?

3 A. Yes. Of course. I did convey those  
4 instructions from the president.

5 Q. Did the president tell you why he wanted  
6 Colliers to stop marketing the golf courses for some  
7 period of time?

8 A. No.

9 Q. Did you hear any other person tell you why, did  
10 Mr. Fukuda talk to you about why the marketing for the  
11 golf courses should be stopped, for example?

12 A. I heard from Mr. Fukuda that the president was  
13 extremely displeased with Colliers because they had not  
14 sent him any offers that he was satisfied with.

15 Q. Was the president scheduled to come and visit  
16 Hawaii in early December, in around the time you  
17 received the KG Holdings letter that is Exhibit 50?

18 A. No, I don't believe so.

19 MR. MELCHINGER: Let's mark that 52.

20 (Exhibit 52 marked for identification.)

21 BY MR. MELCHINGER:

22 Q. Showing you what's been marked Exhibit 52 to  
23 your deposition. Do you remember seeing this document  
24 before?

25 A. I don't recall.

C E R T I F I C A T E

STATE OF HAWAII )

CITY AND COUNTY OF HONOLULU )

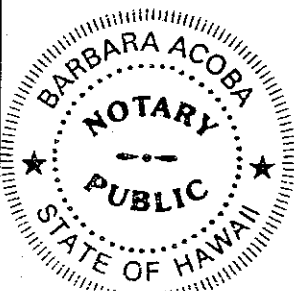
I, BARBARA ACOBA, Certified Shorthand  
Reporter and Notary Public, State of Hawaii, do  
hereby certify:

That on Thursday, April 21, 2005, at  
9:00 a.m., appeared before me SATOSHI KINOSHITA, the  
witness whose deposition is contained herein; that  
prior to being examined he was by me duly sworn;

That the deposition was taken down by me  
in machine shorthand and was thereafter reduced to  
typewriting under my supervision; that the foregoing  
represents, to the best of my ability, a true and  
correct transcript of the proceedings had in the  
foregoing matter.

I further certify that I am not an attorney  
for any of the parties hereto, nor in any way concerned  
with the cause.

Dated this 30th day of April, 2005,  
in Honolulu, Hawaii.



A handwritten signature of Barbara Acoba in cursive script, written over a horizontal line.

BARBARA ACOBA, CSR NO. 412

Notary Public, State of Hawaii

My Commission Exp: 10-22-2008